

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOCKETED
OCT 10 2002

GREGORY T. ERNST, RONALD
and LEDA KEYES,
Plaintiffs,

v.

No. 02 C 4884

OFFICER WILLIAM ANDERSON,
OFFICER PETER CANZONERI, BADGE #64,
OFFICER MICHAEL GOLZ, BADGE #39,
OFFICER C. LOMBARDI, OFFICER RICHMOND,
OFFICER F. SICILIANO, OFFICER SIMI,
OFFICERS JOHN DOE, JOHN POE, JOHN JOE,
JOHN LOE, JOHN MOE, JOHN ROE, JOHN SOE,
JOHN ZOE, and VILLAGE OF ROSEMONT,
a Municipal Corporation,
Defendants.

Judge Darrah

FILED

SEP 30 2002

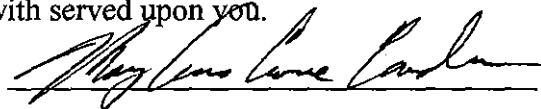
NOTICE OF MOTION

TO: Stanish E. Willis
407 South Dearborn St., Suite 1395
Chicago, Illinois 60605

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

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PLEASE TAKE NOTICE that on **October 9, 2002**, I shall appear before the Honorable, Judge Darrah at the Dirksen Federal Building, 219 So. Dearborn, Room 1203, Chicago, Illinois at **9:00 a.m.** or as soon thereafter as counsel may be heard, and present to him or any judge sitting in his stead, **Motion to Dismiss Michael Golz, Lyle Richmond and Frank Siciliano as Defendants**, a copy of which is attached hereto and herewith served upon you.



The undersigned certifies under penalty of perjury as true that she served a copy of the foregoing Notice of Motion together with the attached Motion by placing a copy of same into an envelope correctly addressed as aforesaid, bearing sufficient postage prepaid, and depositing same in the U.S. Mail at 30 N. LaSalle Street, Chicago, Illinois, 60602 before 5:00 p.m. on September 30, 2002.



Mary Ann Covone Carden
ROSENTHAL, MURPHEY & COBLENTZ
30 N. LaSalle St., Suite 1624
Chicago, IL 60602
Telephone: 312/541-1070
Fax: 312/541-9191

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CLERK, U.S. DISTRICT COURT

**MOTION TO DISMISS MICHAEL GOLZ, LYLE RICHMOND AND FRANK
SICILIANO AS DEFENDANTS**

MICHAEL GOLZ, LYLE RICHMOND, and FRANK SICILIANO, by their attorneys Peter M. Rosenthal and Mary Ann Covone Carden, Rosenthal Murphey and Coblenz move that the complaint in this action be dismissed as to them for the reason that there are no allegations in the complaint which entitle the plaintiffs to obtain relief from them. In support of this motion, Michael Golz, Lyle Richmond and Frank Siciliano state as follows:

1. Plaintiffs have filed a sixteen page complaint naming numerous defendants including Michael Golz, Lyle Richmond and Frank Siciliano.
2. Plaintiffs ask this court to enter judgment against Michael Golz, Lyle Richmond and

Frank Siciliano in their prayers for relief in Counts I, III, IV and VI of their complaint based on the allegations in those Counts.

4. However, the allegations in Counts I, III, IV and VI do not allege any specific conduct on the part of either Michael Golz, Lyle Richmond or Frank Siciliano which would entitle the plaintiffs to relief for the claims asserted in these counts.

A. Count I makes a claim on behalf of Ronald Keyes under 42 U.S.C. Section 1983 based on the alleged use of excessive force. Nowhere does Count I of the complaint allege that either Michael Golz, Lyle Richmond or Frank Siciliano used force against Ronald Keyes or engaged in any other conduct which constitutes the use of excessive force as prohibited by 42 U.S.C. Section 1983.

B. Count III makes a claim on behalf of Ronald Keyes under 42 U.S.C. Section 1983 based on false arrest. Nowhere does Count III allege that either Michael Golz, Lyle Richmond or Frank Siciliano placed Ronald Keyes under arrest or engaged in conduct that constitutes an arrest.

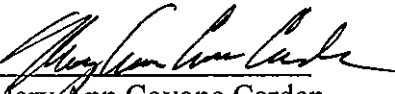
C. Count IV makes a claim on behalf of Ronald Keyes under Illinois Law for assault and battery. Nowhere does Count IV allege that either Michael Golz, Lyle Richmond or Frank Siciliano touched or otherwise was involved in a physical altercation with Ronald Keyes. Count IV also does not allege that either Michael Golz, Lyle Richmond or Frank Siciliano engaged in conduct that constitutes an intentional unlawful offer of corporal injury by force to Ronald Keyes or force unlawfully directed at Ronald Keyes which created a well-founded fear on the part of Ronald Keyes of imminent peril, coupled with the apparent present ability of Michael Golz, Lyle Richmond or Frank Siciliano to effectuate such use of force.

D. Count VI makes a claim on behalf of Ronald Keyes under Illinois Law for malicious prosecution . Nowhere does Count VI allege that either Michael Golz, Lyle Richmond or Frank Siciliano filed a complaint or initiated a judicial proceeding against Ronald Keyes or engaged in any other conduct which constitutes malicious prosecution under Illinois Law.

5. Therefore, plaintiffs have failed to state a cause of action against Michael Golz, Lyle Richmond and Frank Siciliano..

WHEREFORE, Michael Golz, Lyle Richmond and Frank Siciliano respectfully request that this Court enter an order dismissing all of them as defendants in this case .

MICHAEL GOLZ, LYLE RICHMOND AND FRANK SICILIANO

By: 
Mary Ann Covone Carden
One of their attorneys

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